

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)	
Kevin L. Hemphill,)	
Barbara J. Hemphill,)	Case No. 24-22069 GLT
)	Chapter 13
<i>Debtors</i>)	
)	Docket No.
Kevin L. Hemphill,)	
Barbara J. Hemphill,)	
<i>Movants</i>)	
)	
vs.)	
)	Related to Claim No. 9
Navy Federal Credit Union,)	
<i>Respondent</i>)	

OBJECTION TO CLAIM NUMBER 9 FILED BY RESPONDENT

AND NOW, come the debtors, Kevin and Barabara Hemphill, by and through their attorney Kenneth Steidl, and Steidl and Steinberg, and respectfully represent as follows:

1. This case was commenced on August 23, 2024 when the debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Honorable Court has jurisdiction of this proceeding pursuant to 28 USC §1334(a) and (b) and the Standing Order of Reference in effect for bankruptcy cases in the Western District of Pennsylvania. This is a core proceeding within the meaning of 28 USC §157(b)(2)(B) and (O). This is a Motion brought under Federal Bankruptcy Rule 3007. The Statutory and Rule predicates for the relief requested are 11 USC §502(b) and Rule 3007.
3. Respondent's Claim filed at Claim No. 9 provides an account summary detail that indicates, among other things, that the last date of activity and/or payment on the account was September 25, 2014.

4. Under Pennsylvania law, an action for breach of contract must be commenced within four years. 42 Pa.C.S. §5525. The statute of limitations begins to run on a claim from the time the cause of action accrues. *Packer Society Hill Travel Agency Inc. v. Presbyterian University of Pennsylvania Medical Center*, 635 A.2d 649, 652 (Pa. Super. 1993). Generally speaking, in a contract case arising out of payment default, the contract breach date is the date of the last payment. *Id.*
5. Because the date of the last payment with respect to this Claim was more than four years before the Petition date, it appears that the claim is unenforceable under applicable law and therefore should be disallowed under 11 USC §502(b)(1).

WHEREFORE, the debtors, Barbara and William Charles, respectfully request this Honorable Court to disallow Claim Number 9 filed by the Respondent.

Respectfully submitted,

October 16, 2024

DATE

/s/ Kenneth Steidl

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